

most dangerous. The clamor is for the limitation of fortunes, forgetting that also means the limitation of industry; for the curtailment of the power of the courts, forgetting that that means death to the freedom of the individual; for the equality of men by arbitrary rule, forgetting that this means to clog the industries and help the lazy.

"The people when they try to raise everything to the ground. They may make or make their Constitution. They may, if they like, abolish their courts and Legislatures and take the reins of government directly in their own hands.

"This means revolution, but are there no precedents for revolution?"

"Is there any prophet abroad in these days who can say how far the people would go in their present temper?"

"Would the majority vote to limit private fortunes?"

"Would they vote to redistribute private estates which were large enough to tempt their cupidity?"

"Would they curtail the power of the courts?"

"Are not these changes in line with the trend tendencies of the latest policies and legislation? Am I wrong when I say that the Constitution seems less regarded as a guide and shield and more in the nature of a hindrance?"

"Am I wrong when I say that the conduct and teachings of the most powerful influences in the country are expressive of indifference and contempt for this ancient safeguard?"

"Where is the end and what will it be? In a time of such success and plenty as has never been seen in all the ages of the world the spirit of unrest now stalks abroad, and is any man so dense he does not know unrest to be the seed of revolution?"

"If no longer latent the alchemy of wealth in whispers, but it holds the centres of the crowded thoroughfares. It has not hunger to invite nor sorrow to soothe, but it has luxury. All those blessings which are thought to bring peace and contentment are at hand. Yet never before in our country at least, was there a plainer drift to make idleness a profitable employment, discontent a badge of distinction and demagoguery a sign of intellect."

"The public is headed down the road and the new type of public official strives only to place himself at the head of the crowd."

"His cry is not justice but popularity, not fair play but power. He acts not to command respect but to draw the crowd. There is only one test of right and wrong for him, viz.: What does the majority want? No matter what may come to-morrow if he can be cheered today."

"And how grievously that man errs who believes all applause synonymous with popularity. Applause may come from fear as well as from love. The man who gains a name to gain a favor as to show respect."

"The teacher to be strong must enjoy respect and popularity, but the entertainer needs only to be strong."

"But what is the reason, or, if there is no reason, what is the excuse for the wild and undisciplined proposals now flustering from so many lips?"

"We have read that the President of the United States is in favor of a law making employers liable for injuries to their employees, no matter how the injury is caused. That proposal arouses greater wrath than respect. It could serve only to open a new field for the unscrupulous. It would mean that any servant might submit to such injury as he chose, its extent and character being always within his own control, and the employer without fault or complicity, should make compensation for his faithless employee."

"We have read with astonishment and dismay the criticisms from the same high source of the conduct of the courts. Was this because those courts had proved recalcitrant to their high duties? Had they failed to perform the vital functions which were created to perform? Not in one instance. They have heeded to the line with that integrity and learning which has characterized the American courts from the birth of the republic."

"Why is the clamor so persistent for the enactment of new laws? Have the old laws proved ineffective? One single illustration is enough."

"In the month of July, 1890, the so-called Sherman anti-trust law was enacted. It stands on the books to-day, and the most substantial checks administered to the trusts have been made under its provisions. The Northern Securities case, the Joint Traffic Association case, the action against the beef trust, all under the Sherman law of 1890."

"What occasions the demand for more laws and greater power? Is it to obscure the fact that ample power now exists and has for years existed to bring about the reformations sought?"

"The Sherman law is a criminal statute. It provides that whoever conspires to act therein enumerated shall be deemed guilty of a misdemeanor and on conviction thereof shall be punished by fine or imprisonment or both, in the discretion of the Court."

"It is the uniform experience of mankind that the most effective check to violations of the law is the threat of punishment. Men will offend again and again when their offences can be discharged with money. This is especially true when the commission of the offence results in enormous gain. Lawbreakers have been known to pay the payment of the law. It might almost be said their power is increased by demonstrating their ability to defy the law by bringing in the money."

"Why has the Government not been as well as to 'malefactors of great wealth' to go on as far and as often as you like, but not then you must, under the penalty of the law, pay a portion of your dishonest profits. If the purpose is sincere to enforce the law and to punish those who break it, why has the Government not been as well as to 'malefactors of great wealth' to go on as far and as often as you like, but not then you must, under the penalty of the law, pay a portion of your dishonest profits."

"Will 'successful dishonesty' which treats with such disdain the imposition of a fine be equally indifferent when headed for the jail? Every impulse of human nature denies it. No one knows this better than those now reading the news with their eyes on the so-called 'criminal rich.' Yet up to this time not a single move has been made by the all powerful machinery of the Government to punish those who break the law. The latest utterance of the Government upon this subject is that it would not pay to try."

"Could there be a course be explained or justified by continuous threats against 'malefactors'?"

"If the law is plain and ample and yet no malefactor is disturbed in any way to account for this rank neglect except by the insincerity of those who make the threats?"

"The cry is always against the criminal, but punishment has fallen in every case thus far upon the head of the innocent. The result has been every case thus far not upon the faithful officer, but upon the suffering corporation."

"And who is the corporation? One answer alone is possible. It is the corporation is the stockholder who has been himself betrayed. He is the lawyer who has invested in good faith the money earned at his desk. He is the merchant who invested without fault the money earned in legitimate trade. He is the clergyman who has saved a little from his not too liberal pay; he is the farmer, the laborer and the wage earner of every sort who, relying upon the efficacy of the laws and the integrity of public officials, has sworn to invest in corporate stock. And up to this hour the innocent classes I have named have been the only ones to suffer."

"Values have shrunk from dollars to halves and quarters and often vanished altogether. And some day, perhaps tomorrow, those shrivelled values of the innocent investor will pass on to his widow and his children. Will their lot then be shared by the endless chain of threats now circling round the White House and the wealthy malefactor who still untroubled walks the streets and plies his trade?"

"I maintain the guilty should be punished and the innocent protected. If this course should be adopted public confidence would be restored before the spring sets in."

"Integrity in public office has been the rule in the United States and not the ex-

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ception. Why has it become necessary in late years to sing the constant song of official rectitude?

What is the need for a public official to begin each day with a bulletin to the public that he still continues honest? These habits which I describe and condemn have had a most unsatisfactory influence on the public mind.

"There have been in past ages and will be in all others men who neither respect nor obey the laws. That is expected, but such cases have been confined with few exceptions to the ranks of the unofficial class. But when there exists in the most exalted stations a disregard for prescribed limitations, a contempt for salutary constitutional restraints, a purpose to embitter the public mind by false hopes or imaginary threats, the effect of such examples must inevitably be to lower in the general mind the standard of public duty."

"While I feel sometimes disheartened by the tendencies that so plainly now prevail, yet I believe that we shall learn that public opinion is not synonymous with hysteria, and that no opinion, either public or private, is of value unless founded on knowledge and deliberation."

"I have every faith that the people at the close of each day and night, and the people of the New Hampshire bar, let me utter this word of warning as I close: Trust without limit the people's intelligence and honesty. Yet never before in our country at least, was there a plainer drift to make idleness a profitable employment, discontent a badge of distinction and demagoguery a sign of intellect."

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FUNSTON WILL KEEP ORDER

PROMISES MARTIAL LAW FOR GOLDFIELD IF NEEDED.

Says He Is Fully Informed as to the Danger of the Situation, and Will Act Vigorously—One Mine Opened With Non-union Men With No Show of Disorder.

GOLDFIELD, Nev., Dec. 12.—Gen. Frederick Funston, who arrived at noon to-day, says he will take charge of affairs and declare martial law at the first outbreak of violence.

Gov. Sparks told the General that martial law is not necessary now, but that the arrival of the troops had averted serious trouble and the declaration might become necessary at any time.

Gen. Funston, since leaving San Francisco has been in conference with representatives of the Governor, the city and county authorities, the mine owners and officers of the miners' union, all of whom went West to meet him en route, when advised that he had left San Francisco. The General said to-day that as a result of these conferences he had heard all sides and felt that he was fully advised of the situation here.

He said that the call for troops was timely, that they are needed here and that the situation will be handled vigorously. He hopes to avert any clashes or bloodshed. He promises to remain until all danger of trouble is past.

Under a heavily armed guard of 100 men fifty-six non-union miners went to work this morning in the Mohawk mine. There was no demonstration, and the pickets of the miners' union were not aggressive.

The camp of soldiers is close to the Mohawk mine, but the soldiers were not in evidence. It is declared that 100 men have signed the new agreement, but the union leaders assert that many of these are union men who have signed so they may file complaints against the mine owners charging violation of the State law. No other mine in the camp made an attempt this morning to reopen.

Most of the men on the Mohawk this morning were at work above ground. They quit work at 3 o'clock this afternoon after an eight-hour shift and the work for the day closed at that time.

The "card system" as understood in the mining camps of the West is prohibited by the statutes of Nevada. If the mine owners attempt to inaugurate this system of employment there will be filed a score of complaints against them charging misdemeanors. The complaints will be filed with District Attorney Swallow and witnesses are at hand to make cases against the mine owners, so the union leaders say.

The Legislature of 1903 passed the following law, which was approved on March 17 of that year and signed by John Sparks, Governor:

"Section 1.—It shall be unlawful for any person, firm or corporation to make or cause to be made any contract, agreement or in writing, by the terms of which any employee of such person, firm or corporation or any person about to enter the employment of such person, firm or corporation, shall promise or agree to become or continue a member of a labor organization."

The second section provides for fine or imprisonment or both. President MacKinnon of the miners union smiled when informed that a number of signatures had been affixed to the document forbidding the mine owners to make such a contract.

He intimated that many good union men had been instructed to sign the agreement and work one shift under the new system, and then to resign and become or continue a member of a labor organization."

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BLUE SUNDAY ASSURED.

Managers Vote to Shut Up Once More Aldermen Hearing Today.

The new Sunday Association of the Theatrical Managers of Greater New York, formed to concert action in regard to the Sunday closing law, held its second meeting at the Hotel Astor yesterday. Thirty-two managers, representing practically all the theatres in New York, were present. Ernest Goeritz, Heinrich Conried's manager, and president of the organization, presided and presented Henry Wolfsohn, proprietor of the Grand Theatre, the East Side playhouse, as new members.

The association decided to keep all the theatres closed again this Sunday under Judge O'Gorman's decision while awaiting action from the Board of Aldermen. It was also decided to appear in full strength at the Board of Aldermen considering a new ordinance in Sunday closing. Secretary Teller told the managers that the Rev. John C. Petrus had telephoned him that he was willing to speak before the Aldermen on behalf of Sunday performances. The offer was accepted.

The members of the family were with him when he died. He returned the day before Thanksgiving from Atlantic City, where he had gone to rest. He was attended by Drs. W. A. Bartlett, Brooks H. Wells and W. Gilman Thompson, all of this city.

Mr. Wood was born in 1840 in New York city and was the son of Samuel Wood, who in 1804 founded the publishing house of William Wood & Co. This firm has published since its start the Medical Record, whose first editor, Dr. Sherry, died last week. W. H. S. Wood entered the firm in 1865 and was active in its affairs until his last illness. He married in 1865 Miss Emma Congdon, daughter of the late Gilbert Congdon of Providence, R. I. There are four children by the late marriage, surviving: William C. Wood and Gilbert C. Wood, both members of the firm of William Wood & Co.; Arnold W. Wood, a physician; and Mrs. Wood, who died in 1896. Mr. Wood was married again last January to Mrs. Cornelia Elliott, widow of William L. Elliott.

Mr. Wood was elected a director of the Y. M. C. A. in 1871. He was a member of the Orthodox Society of Friends and a member of the Board of Directors of the Y. M. C. A. He was elected president in 1903, and at the expiration of his term he was elected the largest institution of its kind in the country. Last spring its deposits passed the \$100,000 mark.

Mr. Wood was manager of the American Bible Society for twelve years, a member of the New York Historical Society and the New York Geographical Society, and did much to aid the New York Academy of Medicine. He was a member of many other societies and organizations.

The funeral will be held from St. Bartholomew's Church, 348 Madison avenue, on Saturday afternoon at 4 o'clock. The Rev. Leighton Parks, the rector, will officiate.

Obituary Notes.

George J. Humbert, president of the American Aluminum Casting Company and for years identified with the tin plate industry, died suddenly at Connellsville, Pa., yesterday afternoon at 10 o'clock. He was born in the town of South Connellsville, Pa., from a new boy in the streets of Pittsburgh to a millionaire and had been prominently identified with the iron and steel industry of Pennsylvania as well as Colorado. For years he was manager of the Eastern District of the American Aluminum Casting Company, and was one of the men to make the Carnegie Steel Company, now the American Steel and Tube Company, what it is to-day.

Mr. Humbert was at different times superintendent of the Pennsylvania Steel Company and of the Pennsylvania Steel Corporation, and was a member of the Pennsylvania Steel Corporation and was a member of the Pennsylvania Steel Corporation.

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SPEED OF CENTRAL TRAINS

TECHNICAL EVIDENCE IN THE TRIAL OF ALFRED H. SMITH.

H. S. Balliet, Superintendent of Way, Declares That It Was Not Necessary to Slow Up on the Woodlawn Bridge Curve—Nicolli and the Prosecutor Clash.

The trial for criminal negligence of Alfred H. Smith, vice-president of the New York Central Railroad Company and general manager of the road, resulting in the Brewster express disaster last February, continued yesterday before Justice Kellogg and a jury in the criminal term of the Supreme Court, now being held in the County Court House.

The day was devoted mostly to technical evidence by railroad experts. The principal point brought out was that while there were many points along the electrified road between the Harlem River drawbridge, the curve at Woodlawn Bridge, where the accident occurred, was not marked down for any reduction of speed. The engineers who testified considered that it was quite safe to take the curve at high speed.

Herbert S. Balliet, superintendent of way on the Central, identified several spike heads which were found sheared off at the point of derailment. It is the contention of Assistant District Attorney Smyth, who is conducting the prosecution, that the shearing off of these spikes showed conclusively that negligence was present in the construction of the road at this point.

De Lancy Nicolli, counsel for Smith, brought out from Balliet the minimum speed regulations at certain points—for instance, six miles an hour in the yards, twenty miles in the Harlem River drawbridge, ten miles on the Bronx Park crossing, and so on. Mr. Balliet had charge of getting up these regulations, and in answer to Mr. Nicolli he said that he had made no such regulations concerning the Woodlawn Bridge curve because he thought such a regulation unnecessary, as he had ridden across the curve a great number of times in trains that made from forty-five to fifty-five miles an hour without any accident.

The curve at Woodlawn, said Balliet, was rebuilt under the standardized rules laid down by Chief Engineer Parsons and conformed to the latest scientific developments in railroad construction.

Mr. Nicolli branched off here to ask Balliet this question:

"That train passed over the curve directly before the Brewster express disaster. 'I don't think I know,' answered Balliet. 'Don't you know that it was a New Haven train that it dropped a number of bolts near the scene of the accident as it